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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,
Plaintiff,

v.

POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an individual;
DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,
Defendants.

Case No. 5:08-cv-05780 JW (HRL)
Hon. Judge James Ware

**NOTICE OF WITHDRAWAL OF
FISHER DECLARATION IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT (DKT. NO. 98)**

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 Defendants Power Ventures, Inc., Steve Vachani, and Power.com (collectively
3 “Defendants”), by and through their respective counsel, hereby notify the Court and all parties of
4 their withdrawal of the Declaration of L. Timothy Fisher filed in support of Defendants’ Motion for
5 Summary Judgment on May 9, 2011. Dkt. No. 98.

6 Attached as Exhibit C to the Fisher Declaration is the February 17, 2011 deposition of
7 Craig Clark, in-house counsel at Facebook. *Id.* Defendants originally lodged the exhibit under seal
8 because it had been designated as confidential pursuant to the Stipulated Protective Order. On June
9 6, 2011, counsel for Plaintiff and Defendants filed a stipulation agreeing to remove the
10 confidentiality designation from the majority of the Clark deposition. Dkt. No. 103. Defendants
11 therefore withdraw the Fisher Declaration, with the intention of re-filing a version including only
12 the portions of the Clark deposition that are no longer confidential and are cited in Defendants’
13 Motion for Summary Judgment.

14 Dated: June 10, 2011

BURSOR & FISHER, P.A.

16
17 /s/
L. Timothy Fisher

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